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October 11, 2012

## REQUEST FOR REVIEW

**CC Docket No. 02-6**

**E-Rate Appeal Filed Electronically via the FCC ECFS System**

**Marlene H. Dortch, Secretary**  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**RE:** Request for Review of the Administrator's Decision on Appeal 471 Application 778388  
FRN 2108843  
Denied due to late submission

Re: Applicant: Scott County Schools District 1  
BEN: 130532  
Form 471 Application Number: 778388  
FRN: 2108843  
Funding Year: 2011  
Services: Internet Access  
Service Providers: ENA SPIN 143030857

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**To Whom It May Concern:**

This is an appeal of the denial of the Administrator's Decision on Appeal – Funding Year 2011 – 2012 dated September 25, 2012 in connection with FRN 2108843 on 471 Application Number 778388. A copy of the Administrator's Decision of Appeal is attached hereto as Exhibit A.

**Text Being Requested for Review:**

"Our records show that your appeal was postmarked more than 60 days after the date your Funding commitment Decision Letter was issued"

**Appeal Review Request:**

USAC based the denial on FCC rules that do not permit USAC to consider this appeal. We are requesting that the FCC waive the 60 day rule and review the entire appeal. The appeal of 471 # 778388 is the same as the appeal to increase the discount percentage on the FRNs contained in 471 # 793562 made on December 1, 2011. The FCC approved the appeal for 471 # 793562 in proceeding number DA 12-240, February 23, 2012. 471 # 778388 was inadvertently omitted from the FCC appeal due to the fact the FCDL was received more than two months after the FCDL for 471 # 793562, the discount rate was in error for the same reasons as 471 # 793562.

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Attached documents which support The Request for Review

Exhibit A - Copy of Administrator's Decision of Appeal – Funding Year 2011 - 2012, Dated September 25, 2012

Exhibit B - Copy of USAC appeal package dated September 10, 2012 including copy of FCDL dated September 7, 2011

Exhibit C – Copy of FCC appeal CC Docket No. 96-45 and CC Docket No. 02-6

Exhibit D - FCC appeal proceeding DA 12-240 dated February 23, 2012

Exhibit E - LOA for Scott County #1

**REQUEST FOR WAIVER OF FCC RULES**

The School Corporation believes special circumstances warrant a deviation from the FCC general rules, and such deviation would better serve the public interest than strict adherence to the general rules. In addition, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. 471 #778388 was inadvertently omitted from the original appeal submitted to the FCC for 471# 778388 due to the timing of the issuance of the FCDL's and the initial appeal process. Furthermore, we believe that the denial of Block 4 increase inflicts undue hardship on the applicant. We respectfully request a waiver of FCC rules and that appeal package dated September 10, 2012 be reviewed in its entirety. We further request that the discount rate for 471 #778388, FRN 2108843 be increased to 85% under the auspices of proceeding D 12-240 dated February 23, 2012.

Thank you for your time and consideration. You are hereby authorized to contact our E-Rate Contact, Karen Portle, if you have any questions concerning this appeal or require additional information. Her contact information is as follows:

Karen Portle  
AdTec, Inc  
2900 Liverpool Lane  
Bloomington, IN 47404  
Telephone: 812-876-6908  
Fax: 866-611-5549  
[karen@adtecerate.com](mailto:karen@adtecerate.com)

Authorized Signature:

*Karen Portle*

*10/11/2012*

---

Karen Portle, Erate Contact

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**Exhibit A**

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**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2011-2012**

September 25, 2012

Karen Portle  
AdTec-Administrative & Technical Consulting  
2900 Liverpool Lane  
Bloomington, IN 47404

Re: Applicant Name: SCOTT COUNTY SCHOOL DISTRICT 1  
Billed Entity Number: 130532  
Form 471 Application Number: 778388  
Funding Request Number(s): 2108843  
Decision Letter Date: September 07, 2011  
Date Appeal Postmarked: September 12, 2012  
Your Correspondence Dated: September 10, 2012

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company

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## **Exhibit B**

**Scott County School District 1**  
**255 Highway 31 S, PO Box 9**  
**Austin, Indiana 47102**

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APPEAL

September 10, 2012

Letter of Appeal  
Schools and Libraries Division – Correspondence Unit  
100 South Jefferson Road  
PO Box 902  
Whippany, NJ 07981

This letter is an appeal of the Funding Year 2011 Funding Commitment Decision Letter with the following identifying information:

Contact Person: Karen Portle  
Phone Number: 812-876-6908  
Fax Number: 866-611-5549  
Contact E-mail: karen@adtecerate.com

Applicant/Appellant Name:	Scott County School District 1	Applicant/Appellant BEN:	130532
Service Provider Name:	ENA Services, LLC		
Service Provider SPIN:	143030857		
Form 471 Number:	778388		
FRN:	2108843		

The Funding Commitment Decision Letter is attached.

The Appeal is in reference to the attached Appeal filed on 11/7/2011.

The original posting of the F&R data for Scott County School District 1 on the Indiana Department of Education website was incorrect. This source document was amended by the Indiana Department of Education who has the sole responsibility of creating the source document for all Indiana entities to use when filing Block 4 of the FCC Form 471. Please see the attached letter for the correct free and reduced lunch count information. The incorrect data resulted in a 69% E-rate discount. The correct data supports an 85% E-rate discount.

This correction for Scott County School District 1 was approved by the FCC for 471 Application # 793562. The FCC decision document is attached.

We respectfully request that the discount percentage be increased for 471 # 778388 in accordance with the FCC reasoning for the approval of the discount increase for 471 # 793562.

Sincerely,

Karen Portle  
E-rate Contact



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Schools and Libraries Division

KAREN - PLEASE SCAN  
AND PUT IN  
FY 2011 FILE  
UNDER FEE CONSIDERATION  
THANKS!

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2011: 07/01/2011 - 06/30/2012)

September 7, 2011

Judy Carnal  
SCOTT COUNTY SCHOOL DISTRICT 1  
PO Box 18088  
Sarasota, FL 34276-1088

Re: Form 471 Application Number: 778388  
Billed Entity Number (BEN): 130532  
Billed Entity FCC RN: 0002904118  
Applicant's Form Identifier: 2011-4218

486 859981  
SC 13937

Thank you for your Funding Year 2011 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$49,887.00 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 778388 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2011," AND
  - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

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If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company



**FUNDING COMMITMENT REPORT**  
**Billed Entity Name: SCOTT COUNTY SCHOOL DISTRICT 1**  
**BEN: 130532**  
**Funding Year: 2011**

**Comment on RAL corrections: Austin Learning Center, #16045975 has been removed from Block 4, Worksheet #1286835, of the Form 471 application at the request of the applicant.**

**Form 471 Application Number: 778388**  
**Funding Request Number: 2108843**  
**Funding Status: Funded**  
**Category of Service: Internet Access**  
**Form 470 Application Number: 209200000768676**  
**SPIN: 143030857**  
**Service Provider Name: ENA Services, LLC**  
**Contract Number: A58-0-10IT-050**  
**Billing Account Number: NA**  
**Multiple Billing Account Numbers: N**  
**Service Start Date: 07/01/2011**  
**Service End Date: N/A**  
**Contract Award Date: 01/05/2010**  
**Contract Expiration Date: 06/30/2014**  
**Shared Worksheet Number: 1286835**  
**Number of Months Recurring Service Provided in Funding Year: 12**  
**Annual Pre-discount Amount for Eligible Recurring Charges: \$72,300.00**  
**Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00**  
**Pre-discount Amount: \$72,300.00**  
**Discount Percentage Approved by the USAC: 69%**  
**Funding Commitment Decision: \$49,887.00 - FRN approved as submitted**

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**FCDL Date: 09/07/2011**  
**Wave Number: 012**  
**Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012**  
**Consultant Name: JUDY CARNAL**  
**Consultant Number (CRN): 16024741**  
**Consultant Employer: AdTec-Administrative & Technical Consulting**

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**Exhibit C**

# SCOTT COUNTY SCHOOL DISTRICT I

255 Highway 31 S, P.O. Box 9  
Austin, IN 47102  
812-794-8750 or Fax 812-794-8765

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Board of Trustees  
KATHY MORRIS  
President

JOIE BUKOWSKI  
Vice-President

LINDA SPICER  
Secretary

RICHARD PETERSEN  
Member

DARLENE HALL  
Member

Administration  
BERLEY GOODIN  
Superintendent

DR. KENNETH KIDD  
Asst. Supt. / Bus. Manager

SHERMAN R. SMITH  
High School Principal

CHARLES W. CARTER  
High School Vice-Principal

DAVID F. DEATON  
Middle School Principal

ROBERT D. ANDERSON  
Elementary Principal

BEVERLY A. TURNER  
Elementary Asst. Principal

December 1, 2011

## REQUEST FOR REVIEW

### **CC Docket No. 96-45 and CC Docket No. 02-6 E-Rate Appeal Filed Electronically via the FCC ECFS System**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**RE:** Request for Review of the Administrator's Decision on Appeal 471 Application 793562  
FRN 2147615, 2147618, 2147621, 2147625  
Denied with respect to the Bishop Perry Order

Re: Applicant: Scott County Schools District I  
BLN: 130532  
Form 471 Application Number: 793562  
FRN: 2147615, 2147618, 2147621, 2147625  
Funding Year: 2011  
Services: Telecommunications and Internet Access  
Service Providers: Frontier North SPIN 143004791, AT&T Corp. SPIN 143001192, Verizon  
Business Global SPIN 143001197, and AT&T Mobility SPIN 14325240

OCT 18 2012

To Whom It May Concern:

FCC Mail Room

This is an appeal of the denial of the Administrator's Decision on Appeal - Funding Year 2011 - 2012 dated October 14, 2011 in connection with ERN 2147615, 2147618, 2147621, and 2147625 on 471 Application Number 793562. A copy of the Administrator's Decision of Appeal is attached hereto as Exhibit A.

Text Being Requested for Review

"The Block 4 discount increases requested with your appeal letter are not considered correctable ministerial and clerical errors. The FCDI was issued on June 23, 2011. FCC rules do not allow for discount increases after the FCDI is issued." In addition, "The FCC's Bishop Perry Order directed USAC to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Forms 470 or 471, and an additional opportunity to file the required certifications without posting new FCC Forms 470 and 471."

Appeal Review Request

USAC based the denial on a lack of FCC authority to allow discount increases and the Bishop Perry Order. The FCC has a long history of waiving its rules for "good cause" in this case the actual source document for free/reduce lunch counts was amended by the Indiana Department of Education who has the sole responsibility of creating the source document for all Indiana entities to use when filing Block 4 of the FCC Form 471. We suggest a change in the source document should not be considered a ministerial and clerical error made by the applicant.

The FCC's Bishop Perry Order was not violated because it specifically addresses "The decisions at issue involve the denial of funding based on an applicant's failure to timely file an FCC Form 471, a failure to timely file certifications related to an FCC Form 470, or a failure to comply with minimum processing standards." (see Page 4 of Order). This was a source document correction which is not addressed by the FCC's Bishop Perry Order.

Attached documents which support The Request for Review

Exhibit A - Copy of Administrator's Decision of Appeal - Funding Year 2011 - 2012, Dated October 14, 2011

Exhibit B - Copy of FCDI dated June 23, 2011

Exhibit C - Indiana Department of Education Letter of Correction - acknowledging an error was made in the State database which serves as the source document for Block 4 discount calculations

Exhibit D - Email verifying the date of Indiana Department of Education Letter of Correction

REQUEST FOR WAIVER OF FCC RULES

The School Corporation believes special circumstances warrant a deviation from the FCC general rules, and such deviation would better serve the public interest than strict adherence to the general rules. In addition, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. We believe that the Indiana Department of Education made an error in their database that is used as the source document for Block 4 discount calculations. Furthermore, we believe that the denial of Block 4 increase inflicts undue hardship on the applicant. We respectfully request a waiver of FCC rules regarding Block 4 increases by the Commission.

Thank you for your time and consideration. You are hereby authorized to contact our E-Rate Contact, Sally Baumer, if you have any questions concerning this appeal or require additional information. Her contact information is as follows:

Sally Baumer  
Adtec, Inc  
P.O. Box 97  
Centerville, IN 47330  
Telephone 765-855-1612  
Fax 765-855-1615  
[sbaumer@admtcc.com](mailto:sbaumer@admtcc.com)

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Authorized Signature

*Berley Goodin*

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Berley Goodin, Superintendent, Scott County School District 1

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Universal Service Administrative Company  
Schools & Libraries Division

FCC Mail Room

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**Administrator's Decision on Appeal – Funding Year 2011-2012**

October 14, 2011

Sally Baumer  
AdTec Administrative & Technical Consulting, Inc.  
P. O. Box 97  
Centerville, IN 47330

Re: Applicant Name: SCOTT COUNTY SCHOOL DISTRICT 1  
Billed Entity Number: 130532  
Form 471 Application Number: 793562  
Funding Request Number(s): 2147615, 2147618, 2147621, 2147625  
Your Correspondence Dated: August 04, 2011

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2011 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2147615, 2147618, 2147621, 2147625  
Decision on Appeal: **Denied**  
Explanation:

- The Block 4 discount increases requested with your appeal letter are not considered correctable ministerial and clerical errors. The FCDL was issued on June 23, 2011. FCC rules do not allow for discount increases after the FCDL is issued. Consequently, your appeal is denied.
- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, *Order*, 21 FCC Rcd 5316-5317.

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FCC 06-54 para. 23 (May 19, 2006) (*Bishop Perry Order*). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. USAC has published a list of ministerial and clerical errors that can be corrected on pending applications without violating the program rules and has advised applicants to review this list before submitting corrections. *See* SLD Section of USAC web site, Reference Area, "Bishop Perry Order. List of Ministerial and Clerical Errors" at [www.usac.org/sl](http://www.usac.org/sl).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Berley Goodin



Universal Service Administrative Company

Schools and Libraries Division

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**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2011: 07/01/2011 - 06/30/2012)

June 23, 2011

Sally Baumer  
SCOTT COUNTY SCHOOL DISTRICT 1  
P. O. Box 97  
Centerville, IN 47330

**Re: Form 471 Application Number: 793562**  
**Billed Entity Number (BEN): 130532**  
**Billed Entity FCC RN: 0002904118**  
**Applicant's Form Identifier: 2011-218**

Thank you for your Funding Year 2011 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$29,894.19 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
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- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

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1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 793562 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2011," AND
  - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)



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5. Provide an authorized signature on your letter of appeal.

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To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

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#### OBLIGATION TO PAY NON-DISCOUNT PORTION

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#### NOTICE ON RULES AND FUNDS AVAILABILITY

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Schools and Libraries Division  
Universal Service Administrative Company

FUNDING COMMITMENT REPORT  
Billed Entity Name: SCOTT COUNTY SCHOOL DISTRICT 1  
BEN: 130532  
Funding Year: 2011

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OCT 18 2012

Comment on RAL corrections: Austin Learning Center, #16045975 has been removed from Block 4, Worksheet #1317685, of the Form 471 application at the request of the applicant.

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Form 471 Application Number: 793562  
Funding Request Number: 2147615  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 657440000883140  
SPIN: 143004791  
Service Provider Name: Frontier North, Inc.  
Contract Number: T  
Billing Account Number: 06 8140 3363068417 09  
Multiple Billing Account Numbers: Y  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1317685  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$19,605.60  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$19,605.60  
Discount Percentage Approved by the USAC: 69%  
Funding Commitment Decision: \$13,527.86 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The dollars requested were reduced to remove the ineligible: Directory Listings (\$32.00). <><><><><> MR2: The FRN was modified from \$1,665.76 per month to \$1,633.80 per month to agree with the applicant documentation.

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sally Baumer  
Consultant Number (CRN): 16024741  
Consultant Employer: AdTec-Administrative & Technical Consulting

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## FUNDING COMMITMENT REPORT

Billed Entity Name: SCOTT COUNTY SCHOOL DISTRICT 1  
BEN: 130532  
Funding Year: 2011

Comment on RAL corrections: Austin Learning Center, #16045975 has been removed from Block 4, Worksheet #1317685, of the Form 471 application at the request of the applicant.

Form 471 Application Number: 793562  
Funding Request Number: 2147618  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 657440000883140  
SPIN: 143001192  
Service Provider Name: AT&T Corp.  
Contract Number: MTM  
Billing Account Number: 053 285 1806 001  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1317685  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,587.76  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$3,587.76  
Discount Percentage Approved by the USAC: 69%  
Funding Commitment Decision: \$2,475.55 - ERN approved as submitted

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sally Baumer  
Consultant Number (CRN): 16024741  
Consultant Employer: AdTec-Administrative & Technical Consulting

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FUNDING COMMITMENT REPORT  
Billed Entity Name: SCOTT COUNTY SCHOOL DISTRICT 1  
BEN: 130532  
Funding Year: 2011

Comment on RAL corrections: Austin Learning Center, #16045975 has been removed from Block 4, Worksheet #1317685, of the Form 471 application at the request of the applicant.

Form 471 Application Number: 793562  
Funding Request Number: 2147621  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 657440000883140  
SPIN: 143001197  
Service Provider Name: Verizon Business Global LLC  
Contract Number: MTM  
Billing Account Number: 93302006  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1317685  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,562.56  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$3,562.56  
Discount Percentage Approved by the USAC: 69%  
Funding Commitment Decision: \$2,458.17 - FRN approved as submitted

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sally Baumer  
Consultant Number (CRN): 16024741  
Consultant Employer: AdTec-Administrative & Technical Consulting

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FUNDING COMMITMENT REPORT  
Billed Entity Name: SCOTT COUNTY SCHOOL DISTRICT 1  
BEN: 130532  
Funding Year: 2011

Comment on RAL corrections: Austin Learning Center, #16045975 has been removed from Block 4, Worksheet #1317685, of the Form 471 application at the request of the applicant.

Form 471 Application Number: 793562  
Funding Request Number: 2147625  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 657440000883140  
SPIN: 143025240  
Service Provider Name: AT&T Mobility  
Contract Number: MTM  
Billing Account Number: 875371829  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1317685  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$16,569.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$16,569.00  
Discount Percentage Approved by the USAC: 69%  
Funding Commitment Decision: \$11,432.61 - FRN approved as submitted

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sally Baumer  
Consultant Number (CRN): 16024741  
Consultant Employer: AdTec-Administrative & Technical Consulting

Exhibit C



Indiana Department of Education  
SUPPORTING STUDENT SUCCESS

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Dear Schools and Libraries Division:

This letter is to correct an error made in the Indiana State database used to calculate the free/reduced lunch data used in Block 4 of the Form 471 application # 778388 and # 793562 for Scott County #1 BEN 130532. The correct data for the three schools that comprise this school corporation is provided below.

School ID	School	Total Enrollment	Total F/R	% F/R	R or U	E-rate %
7629	Austin High School	368	228	62	U	80
7630	Austin Elementary School	609	466	76.5	U	90
7631	Austin Middle School	356	250	70.2	U	80
	<b>Total</b>	<b>1333</b>	<b>944</b>	<b>70.8%</b>		<b>85%</b>

Based on these data, I would appreciate the SLD making the necessary adjustments to their E-rate discounts. Please feel free to contact me if you have any questions.

Sincerely,

Dr. John B. Keller  
Assistant Superintendent for Technology  
State E-rate Coordinator

Exhibit D

**Sally Baumer**

---

**From:** Charlie Hobbs  
**Sent:** Thursday, December 01, 2011 9:30 AM  
**To:** Sally Baumer  
**Subject:** FW: Scott County 1 Letter Regarding Free and Reduced Lunch Verification  
**Attachments:** Scott County 1.pdf

**From:** John Keller [<mailto:jbkeller@doe.in.gov>]  
**Sent:** Thursday, September 22, 2011 7:35 AM  
**To:** Charlie Hobbs  
**Subject:** RE: Scott County 1 Letter Regarding Free and Reduced Lunch Verification

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Thanks, Charlie.

See the final version attached. Let me know if there is anything else that I can do on this.

John

**Dr. John B. Keller**  
Assistant Superintendent for Technology  
[Indiana Department of Education](#)  
(P) 317.234.5703  
(F) 317.232.9121  
[jbkeller@doe.in.gov](mailto:jbkeller@doe.in.gov)

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## **Exhibit D**





Federal Communications Commission  
Washington, D.C. 20554

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**Memo**

**To:** Sally Baumer  
Scott County School District 1

**From:** Trent Harkrader, Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission

**Date:** March 5, 2012

**Re:** DA 12-240, released February 23, 2012

---

Please find accompanying this memo the Bureau's decision on your appeal. The accompanying decision may be referenced in the future by its proceeding number and release date: DA 12-240, February 23, 2012.

If the Bureau has granted your appeal, please contact the Universal Service Administrative Company (USAC) at 1-888-203-8100 for more information regarding your application. Please submit any information to USAC that the order may require. Once USAC has reviewed your application related to the issues resolved in the attached letter, you will receive a revised funding commitment decision letter.

If you choose to seek consideration by the Commission of the Bureau's decision, a petition for reconsideration or an application for review must be filed with the Commission within 30 days from the released date of this decision. You may file your request electronically using the Internet by accessing the Commission's electronic comment filing system (ECFS) at <http://fjallfoss.fcc.gov/ecfs2/>. Please be sure to include CC Docket No. 02-6 on your filing.

Before the  
Federal Communications Commission  
Washington, DC 20554

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In the Matter of	)	
	)	
Requests for Waiver and Review of	)	
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Assabet Valley Regional Vocational District	)	File Nos. SLD-628454, <i>et al.</i>
Marlborough, MA, <i>et al.</i>	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: February 23, 2012**

**Released: February 23, 2012**

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Consistent with precedent,<sup>1</sup> we grant 12 and deny five requests from petitioners<sup>2</sup> seeking review of decisions made by the Universal Service Administrative Company (USAC) under the E-rate program (more formally known as the schools and libraries universal service support program).<sup>3</sup> In each case, USAC refused to permit petitioners to make changes to their applications after they had submitted them. We first grant four petitioners waivers of section 54.720 of the Commission's rules because we find they submitted their appeals to the Commission, or filed a service change request with USAC, within a reasonable period of time of actual notice of a clerical error or a decision by USAC not to correct the error.<sup>4</sup> Based on our review of the record, we find that 12 petitioners have demonstrated that good cause exists to justify a waiver of section 54.504(a) of the Commission's rules to permit them to correct clerical

<sup>1</sup> See *Request for Review of the Decision of the Universal Service Administrator by Archer Public Library, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-140961, et al., CC Docket No. 02-6, Order, 23 FCC Red 15518 (Wireline Comp. Bur. 2008); see also *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Red 5316 (2006); *Request for Waivers and Review of the Decisions of the Universal Service Administrator by Achieve Career Preparatory Academy, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-756133, et al., CC Docket No. 02-6, Order, 26 FCC Red 10254 (Wireline Comp. Bur. 2011).

<sup>2</sup> The requests for waiver and review are listed in appendices A & B.

<sup>3</sup> Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>4</sup> See 47 C.F.R. § 54.720. Two petitioners filed appeals with the Commission within 60 days of discovering errors in their applications (Leake & Watts Services, Inc., Northwest Ohio Educational Service Center), one filed a service change request with USAC within 60 days of discovering an error in its application (Providence Public School District), and one filed with the Commission within 60 days of being informed that a response it received was an appealable denial (Colon Community School District). *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-584091, Order, 26 FCC Red 11010, 11010, para. 2 (Wireline Comp. Bur. 2011).

or ministerial errors.<sup>7</sup> On our own motion, for these petitioners, we also waive section 507(d) of the Commission's rules and any USAC procedural deadline, such as the invoicing deadline, that might be necessary to effectuate our ruling.<sup>8</sup> We find good cause to waive section 54.507(d) because filing an appeal of a denial is likely to cause petitioners to miss the program's subsequent procedural deadlines in that funding year. We find the other five petitioners have not demonstrated that good cause exists to justify waivers to permit changes that were not the result of a clerical or ministerial error.

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2. We therefore remand the underlying applications listed in appendix A to USAC for further action consistent with this order. To ensure that those underlying applications are resolved expeditiously, we direct USAC to complete its review of each application listed in appendix A and issue a funding commitment or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this order. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications.

3. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), the requests for review or requests for waiver filed by the petitioners listed in appendix A ARE GRANTED and their underlying applications ARE REMANDED to USAC for further consideration in accordance with the terms of this order.

4. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that sections 54.504(a), 54.507(d), and 54.720 of the Commission's rules, 47 C.F.R. §§ 54.504(a), 54.507(d), and 54.720 ARE WAIVED for the petitioners listed in appendix A to the limited extent provided herein.

5. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the requests for review or requests for waiver filed by the petitioners listed in appendix B ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade  
Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

<sup>7</sup> Generally, the Commission's rules may be waived if good cause is shown. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is appropriate only if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest. *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular*, 897 F.2d at 1166.

<sup>8</sup> 47 C.F.R. § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year).

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## APPENDIX A

## Requests Granted

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Petitioner	Application Number(s)	Funding Year	Date Request for Review/Waiver Filed
Assabet Valley Regional Vocational District Marlborough, MA	628454	2008	Aug. 19, 2011
Balsz School District No. 31 Phoenix, AZ	547589	2007	Oct. 1, 2009
Colon Community School District Westfield, IN	550929, 587785	2007	Mar. 4, 2008
Forsyth County School District Cumming, GA	733385	2010	Nov. 3, 2010
Hickman County Schools Clinton, KY	727530	2010	Feb. 6, 2012
Leake & Watts Services, Inc. Yonkers, NY	653637	2009	June 14, 2010
Northwest Ohio Educational Service Center Archbold, OH	789351	2011	Nov. 1, 2011
Providence School District Providence, RI	723112	2010	Aug. 9, 2011
San Diego Independent School District San Diego, TX	480500	2005	Oct. 1, 2007
Scott County School District 1 Austin, IN	793562	2011	Dec. 1, 2011
Tumeca County School District Tumeca, MS	734172	2010	Apr. 19, 2011
Yeshivath Vitzniz D'khal Torah Chaim Monsey, NY	401878	2004	Nov. 18, 2005

## APPENDIX B

## Requests Denied

Petitioner	Application Number(s)	Funding Year	Date Request for Review/Waiver Filed
Chandler Unified School District 80 Chandler, AZ	678541	2009	July 1, 2011
Lynden Christian School Lynden, WA	727597	2010	Dec. 28, 2011
Servite High School Anaheim, CA	777890	2011	Nov. 8, 2011
White Oak Independent School District 1 Vinita, OK	716964	2010	Dec. 29, 2011
Willmar Public Schools Willmar, MN	726265	2010	Aug. 26, 2011

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**Exhibit E**



**AdTec**  
Administrative & Technical Consulting, Inc.

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## Letter of Agency for E-rate Funding Year 2011

This Letter of Agency authorizes **AdTec Administrative and Technical Consulting Inc.** to represent **Scott County School District 1** in the filing of FCC E-rate forms for all E-Rate eligible Telecommunications Services, Internet Access, Internal Connections and/or Basic Maintenance of Internal Connections for Funding Year 2011 and in other responses to requests for information to the Schools and Libraries Division of the Universal Service Administrative Company on behalf of the above named school district.

I understand that, in submitting these forms on our behalf, **AdTec Administrative and Technical Consulting Inc.** is making certifications for the above named school district. By signing this Letter of Agency, I make the following certifications:

- (a) I certify that schools in our district are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§7801 (18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.
- (b) I certify that our school district has secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.
- (c) I certify that our school district is covered by a technology plan that is written, that covers all 12 months of the funding year, and that has been or will be approved by the Indiana Department of Education prior to the commencement of service. The plan is written at the following level:
  - ☐ an individual technology plan for using the services requested in this application; and/or
  - ☒ higher-level technology plan for use the services requested in this application; or
  - ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
- (d) I certify that the services the district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).
- (e) I certify that our school district has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

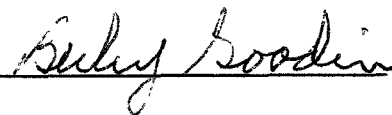
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- (f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
- (g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
- (h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.
- (i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
- (j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506 (c).
- (k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.
- (l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to AdTec Administrative and Technical Consulting, Inc. for E-rate submission is true.

Entity Name Scott County School District 1

Signature

Date June 3, 2010Name Berley GoodinE-rate Contact Sally BaumerTitle Superintendent